

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1048 OF 2022

Bhalchandra Rajaram Mahamuni and .. Applicant
anr

Versus

The State of Maharashtra .. Respondent

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Mr.Sanjeev P. Kadam a/w Mr.Prashant Raul. i/b Mr. Bhalchandra Shinde for the applicants.

Smt. Bhavana Mhatre for complainant

Smt. Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 6th JULY, 2022

P.C:-

1 The parties have worked out the discord among themselves, which gave rise to CR No-I 79 of 2022 invoking section 406, 409, 420, 504, read with 34 of IPC. The applicants are Medical Professionals and the informant is a childhood friend of applicant no.1, a Software Engineer. On a proposal from the informant, a partnership venture was entered into and, the dispute arose out of the same. Today Mr. Kadam has produced the original copy of settlement deed inked by the parties on 6/07/2022 before the notary. A photo copy of the said document is placed on record and marked as 'X' for identification. It is accompanied with Aadhar Card of the

complainant as well as applicant no.1.

2 The counsel for the complainant who is present in the court also concur with the statement of Mr. Kadam that the parties have settled the discord among themselves through the settlement deed, which is placed on record. The business nicities have been worked out by them through the settlement deed and it is agreed that they will jointly appoint a Chartered Accountant to conduct tax audit proceeding of the Wehumanity LLP and would also accept the audit report so prepared, for financial year 2021-2022 and would not raise any objection on the said audit report. It is agreed that both shall take 50 % profit from the net profit after tax is paid as per the audit report for the financial year 2021-2022. As far as the applicant no.2 is concerned, it is agreed that she will take her 50 % share after the tax is paid in terms of the audit report for financial year 2021-2022. Ultimately the discord which arose out of the business relationship shared between the parties has been put to rest. The parties have also agreed in the said settlement deed that they shall initiate appropriate proceeding for quashing of subject FIR No. 79 of 2022 and also the cross FIR No. 212 of 2022.

The investigating officer is directed to defreeze the account of the partnership firm which have been frozen by the Court.

3 In the wake of the above, since the parties have settled the dispute, the custodial interrogation of the applicants is not necessary and let the applicants deserve their release on bail.

Hence the following order.

ORDER

(a) In the event of arrest, the Applicants Bhalchandra R Mahamuni and Soniya B Mahamuni shall be released on bail in C.R. No. 79 of 2022 registered with Naupada Police Station, District Thane on executing P.R. bond to the extent of Rs.50,000/- each and furnishing one or two sureties of the like amount.

(b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The Applicant shall report to the police station as and when directed by the Investigating Officer.

4 The application is disposed off in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)